

Appl. No. 10/667,894
Amd. dated August 17, 2005
Reply to Office Action of 05/17/2005

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 1-15 are currently pending. Claims 1 -3 have been amended to replace the terms “monochromatic, coherent” with “laser”. No claims have been canceled. No new matter has been added. The amendment to claims 1-3 in no way can be considered a material change, since the Examiner has indicated in the Office Action that “monochromatic, coherent” is inherently laser light. Reconsideration is respectfully requested.

Claims 1-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,676,655 to McDaniel (McDaniel). McDaniel discloses a method for treating skin disorders with electromagnetic radiation generated by an Nd:YAG laser in the wavelength range of 1,064 nm, but fails to teach Applicant’s dosage.

Specifically, Applicant claims treating for sufficient treatment time to produce clinically beneficial effects by delivering a dosage greater than 20 joules/cm² . This is more than twice that disclosed by McDaniel. In fact McDaniel is generally only concerned with a dosage of up to 1 J/cm². McDaniel’s treatment dose, or energy fluence, is only up to 10 J/cm² (not between approximately 0.1 – 100 J/cm² as incorrectly stated in the first and second Office Action). To quote the specification of McDaniel, the “energy fluence received by said tissue is less than about 10 J/cm².” Again, McDaniel fails to meet all of the claimed limitations and does not anticipate nor render obvious Applicant’s claimed invention. That is, up to 10 J/cm² is not the same as 20 J/cm² or more as claimed by Applicant.



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Applicant kindly request that the Examiner specifically cite a section of the specification in McDaniel where he discloses a dosage range between 0.1-100 J/cm².

For the foregoing reasons, the 35 U.S.C. § 102 rejection based upon McDaniel is deemed to be improper and should be withdrawn. All of the pending claims are now believed to be in condition for allowance and Applicant respectfully requests that a Notice of Allowance be issued.

If additional information is required, or if the Office has any questions that might expedite prosecution of the above-referenced application, the Office is urged to contact the undersigned at (703) 920-1122.

Respectfully submitted,

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